

the States of West Virginia and North Carolina of quantities of candy which was adulterated. The article was labeled in part variously: "Malted Milk," "Choc. Nougatines," "Peanut Clusters," "Choc. Peanut Logs," "Goobar Nut Squares," "Red & White Bar," "Dairy Maid Fudge," "Summer Choc. Bears," "Iced Caramel Bar," "Choc. Nut Rolls," "Chocolate Covered Peanuts," "Dandy Mixture Melco," "Choc. Dolls Melco," "Mello Mint Puffs," and "Mel-O Beans."

One lot (chocolate-covered peanuts) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, candy containing moldy and rancid peanuts. The product in the remaining lot was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

On June 5, 1940, a plea of nolo contendere was entered on behalf of the corporation and a plea of not guilty was entered by Richard A. Harris. Jury was waived and the evidence was heard by the court, which found the corporation guilty and imposed a fine of \$100 upon it without costs. The court found Richard A. Harris not guilty.

2085. Adulteration of candy. U. S. v. 38 Boxes and 94 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 3955, 3958. Sample Nos. 29276-E, 29453-E.)

This product contained rodent hairs.

On March 12 and 13, 1941, the United States attorneys for the Southern and the Northern Districts of Ohio filed libels against 38 boxes of candy at Cincinnati, Ohio, and 94 boxes of candy at Wapakoneta, Ohio, alleging that the article had been shipped in interstate commerce on or about February 6 and 8, 1941, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging that it was adulterated. It was labeled in part: (Boxes) "Country Candy Ham."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 24 and 25, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2086. Adulteration and misbranding of candy. U. S. v. 37 Boxes and 48 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 3729, 3806. Sample Nos. 50733-E, 50735-E.)

Examination showed that this product was contaminated with insect fragments and rodent hairs. Moreover, the labeling of a portion failed to bear the name of each of the ingredients from which it was made.

On February 3 and 14, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 85 boxes of candy at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about July 26 and 30, 1940, and on or about January 4, 1941, by R. H. Hardesty Co., Inc., from Richmond, Va.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Hardesty's Fine Candies Cluster Pops [or "Coco. Ices"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The portion of the article shipped in July 1940, was alleged to be misbranded in that it was fabricated from two or more ingredients and did not bear a label stating the common or usual name of each of the ingredients.

On February 24, 1941, R. H. Hardesty Co., Inc., having petitioned for permission to draw samples, an order was entered granting such petition and further granting that the intervenor be allowed an extension of 30 days within which to file claim or other pleadings. On April 15, 1941, no claim having been entered, judgments of condemnation were entered and both lots were ordered destroyed after 30 days unless taken down under bond by the owner and were destroyed in accordance with such order.

2087. Adulteration of candy. U. S. v. 22 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3415. Sample No. 52491-E.)

This product contained rodent hairs and insect fragments.

On November 20, 1940, the United States attorney for the District of Montana filed a libel against 22 boxes of candy at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about June 18, 1940, by